

Part 1

Summary and Explanation

1. **The Constitution**

1.1 The Constitution sets out how Ipswich Borough Council operates and how decisions are made.

1.2 **The purpose of the Constitution**

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with the public, businesses and other organisations;
- (b) support the active involvement of the public in the process of local authority decision making;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery and quality of our services and providing value for money.

1.3 The Constitution is divided into 14 Articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and 'protocols' at the end of the document.

2. **What's in the Constitution**

- Article 1 - The Constitution
- Article 2 - Members of the Council
- Article 3 - The public's rights and responsibilities
- Article 4 - The full Council

- Article 5 - The Mayor
- Article 6 - The Executive
- Article 7 - Overview and Scrutiny
- Article 8 - Regulatory and other Committees
- Article 9 - Joint Arrangements
- Article 10 – Officers
- Article 11 - Decision-making
- Article 12 - Finance, contracts and legal matters
- Article 13 – Monitoring, reviewing and approving changes to the Constitution
- Article 14 - Suspending, understanding and publishing the Constitution

3. **How the Council works**

- 3.1 The Council is made up of 48 Councillors, one-third of whom are normally re-elected each year. Councillors are elected to represent, and be answerable to, people living in their ward. Councillors have an overriding responsibility to the community of Ipswich, but they have a special duty to their constituents.
- 3.2 Councillors adhere to the Councillors' Code of Conduct thus ensuring high standards when carrying out their duties.
- 3.3 All Councillors meet together at Council meetings which are normally open to the public. At Council meetings, Councillors decide major policies and set the Budget each year. The Council has to:
- (a) adopt and, where necessary, amend the Constitution;
 - (b) adopt the Code of Conduct;
 - (c) agree the major Policy and Budget Framework;
 - (d) appoint the Leader;
 - (e) appoint Councillors to Committees;
 - (f) appoint the Chief Executive.

4. How decisions are made

- 4.1 The Executive is responsible for most day-to-day decisions. The Executive is made up of the Leader, a Deputy Leader and up to eight Councillors as ordinary members of the Executive.

Neither the Mayor nor the Deputy Mayor may be appointed to the Executive.

When Key Decisions are to be discussed or made, these are published in the Executive's List of Forthcoming Decisions whenever possible. If these Key Decisions are to be discussed with Council officers at a meeting, this meeting will generally be open to the public unless exempt or confidential matters are to be discussed.

The Executive has to make decisions which are in line with the Council's overall major Policies and Budget Framework. Should the Executive wish to make a decision which is outside the framework or budget, this must be referred to the Council.

5. Overview and Scrutiny Committee

- 5.1 The Council must appoint at least one Overview and Scrutiny Committee. An Executive member may not be a member of an Overview and Scrutiny Committee.
- 5.2 The Overview and Scrutiny Committee supports the work of the Executive and the Council. The Committee allows members of the public to have a greater say in Council business by consulting them on matters that concern them. These inquiries lead to reports and recommendations which advise the Executive and the Council on its policies, budget and services. The Overview and Scrutiny Committee monitors services and Executive decisions. If the Committee considers that a decision has been taken which could be contrary to the public interest it may recommend that the Executive reconsiders the decision. The Executive may also consult the Overview and Scrutiny Committee on forthcoming decisions.

6. Council staff

The Council employs officers to give advice, implement decisions and manage or operate the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationship between Council officers and Councillors.

7. **Rights of the public**

- 7.1 The Council welcomes participation by the public. The public has a number of rights when dealing with the Council. These rights are set out in more detail in Article 3. Some of these are rights given by the law, others are rights the Council has decided to give. The local Citizens' Advice Bureau can provide advice on such rights.
- 7.2 Council Tenants have additional rights that are not covered in this Constitution.
- 7.3 The public's rights include:
- (a) to vote at local elections (if registered to vote);
 - (b) to attend Council and Committee meetings (as long as personal or confidential matters are not being discussed);
 - (c) to ask questions, or present a petition at Council meetings (in accordance with the Council's policy on Petitions – see Part 4 Rules of Procedure Section 1 paragraph 9).
 - (d) to participate in the Council's question time and contribute to the Council's consultations when appropriate;
 - (e) to find out, from the Executive's List of Forthcoming Decisions, what Key Decisions will be discussed or decided at its meetings, and when;
 - (f) to attend meetings of the Executive (as long as personal or confidential matters are not being discussed);
 - (g) to see reports and background papers on, and any records of, decisions made by the Council or Committees;
 - (h) to complain about a service provided by the Council;
 - (i) to complain to the Ombudsman if it is considered that the Council has not followed its procedures. (It should be noted that the Council's complaints procedure should first be followed prior to referral to the Ombudsman. A copy of the Council's complaints procedure and details of the Ombudsman may be obtained from the Council's Customer Services Officer on 01473 432000);
 - (j) to complain to the Council's Monitoring Officer regarding an alleged breach of the Councillors' Code of Conduct.

- (k) to inspect the Council's accounts and make views known to the external auditor.